

EXHIBIT C

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN MICHIGAN**

CORY LEMARBE,

Plaintiff,

vs.

VILLAGE OF MILFORD,

Defendant.

Case No.: 2:19-cv-12992

Hon. David M. Lawson

Mag. Judge Anthony P. Patti

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**DEFENDANT'S AMENDED RESPONSES TO PLAINTIFF'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT
DATED FEBRUARY 19, 2020**

Now comes Defendant, by and through its attorneys, Kerr, Russell and Weber, PLC, and for their Amended Responses to Plaintiff's Request for Production of Documents Dated February 19, 2020, state as follows:

REQUEST TO PRODUCE NO. 6:

Please produce any and all documents, audio recordings or video recordings that relate in any way to the allegations in Plaintiff's Complaint or who Plaintiff

requested FMLA leave or accommodations under the ADA, including all documents from Village of Milford requesting any medical records or documentation of accommodation.

RESPONSE: Defendant obtained surveillance of Mr. LeMarbe in October and November 2021 and is in possession of both video and still photographs from that undertaking. Whether or not such materials will be used at Trial will depend upon whether Plaintiff gives testimony that is contrary to it, in which case it may be used for impeachment purposes. It is Defendant's position that the production of these materials is protected by the attorney work-product doctrine and that Plaintiff has the ability to obtain equivalent information without undue hardship given his own intimate knowledge of his capabilities. Moreover, the disclosure of these materials would provide improper insight into the mental impressions and strategy of the defense. A Motion in Limine to Allow Defendant to Use Surveillance Evidence for Impeachment Purposes for a determination of these issues prior to Trial is forthcoming.

Dated: November 17, 2021

Respectfully submitted,

KERR, RUSSELL AND WEBER, PLC

By: /s/Lauri B. Stewart

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CERTIFICATE OF SERVICE

Vikki M. McKinnie states that on the 17th day of November 2021, she served the foregoing upon counsel for Plaintiff at the address as reflected on the pleadings of record via regular U.S. Mail with postage being fully prepaid thereon.

/s/Vikki M. McKinnie

Vikki M. McKinnie, Legal Assistant